

IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION

IN RE:

JERRY DEON BERRY

CASE NO: 11-70203-HDH-13

HEARING DATE: 12/18/2013

HEARING TIME: 10:00am

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**TRUSTEE'S MOTION TO DISMISS**

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NOW COMES Walter O'Cheskey, Chapter 13 Trustee, and files this Trustee's Motion to Dismiss in accordance with 11 U.S.C. 1307(c), Rule 9014, Rule 1017(f)(1), and General Order 2010-01 and would respectively show unto to the Court as follows:

Debtor is in material default of the most recent confirmed plan or modified plan per 11 U.S.C. 1307(c). The most recent confirmed plan or modified plan required the Debtor(s) to pay \$542.00 per month beginning 6/23/2011. The total amount paid to the Trustee is \$15,447.00 and the total amount in arrears is \$271.00 through October 2013.

Certified funds must be delivered to the following address to cure this default:

**Standing Chapter 13 Trustee  
PO Box 94210  
Lubbock, TX 79493**

WHEREFORE, the Trustee prays that this Chapter 13 case be dismissed per 11 U.S.C. 1307(c).

Respectfully submitted,

/s/ Walter O'Cheskey

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Walter O'Cheskey  
Chapter 13 Trustee

A HEARING WILL BE HELD 12/18/2013 AT 10:00am AT THE FOLLOWING ADDRESS:

VIDEO: US COURTHOUSE ROOM 208, 10TH & LAMAR STREETS, WICHITA FALLS, TEXAS 76301

A PRE-HEARING CONFERENCE SHALL BE HELD AT THE SAME LOCATION AT 8:30am ALL PARTIES ARE REQUIRED TO ATTEND THE PREHEARING CONFERENCE.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Dismiss was this date served on the following parties electronically or at the addresses listed below by U.S. First Class mail:

JERRY DEON BERRY 4018 SOUTHEAST LESTER AVE BARTLESVILLE OK 74006

MCCARTHY HOLTHUS & ACKERMAN LLP COLE D PATTON 1255 WEST 15TH STREET SUITE 1060 PLANO TX 75075

Date: 10/28/2013

/s/ Walter O'Cheskey

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Walter O'Cheskey  
Chapter 13 Trustee